

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:13CR222 RAS/DDB
	§	
MOISES CARRALERO	§	

**REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant’s supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on March 12, 2015 to determine whether Defendant violated his supervised release. Defendant was represented by David Singleton. The Government was represented by Andy Williams.

On April 3, 20006, Defendant was sentenced by the Honorable Robert G. James, United States District Judge, to a sentence of 120 months imprisonment followed by an 8-year term of supervised release for the offense of Conspiracy to Possess With Intent to Distribute 100 Grams and More of Heroin. Defendant began his term of supervision on October 30, 2012. This case was transferred to the Eastern District and Judge Richard A. Schell on September 5, 2013.

On May 30, 2014, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the “Petition”) (Dkt. 4). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state or local crime; Defendant shall not unlawfully possess a controlled substance; (3) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer

any controlled substance, or any paraphernalia related to any controlled substances, except as prescribed by a physician; (4) Defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered; (5) Defendant shall refrain from any unlawful use of a controlled substance; and (6) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance, or any paraphernalia related to any controlled substances, except as prescribed by a physician.

The Petition alleges that Defendant committed the following violations: (1) On July 31, 2013, Defendant was arrested by the Dallas County Sheriff's Office, Dallas, Texas, for Conspiracy with Intent to Manufacture and Distribute 500 Grams or More of a Mixture Containing a Detectable Amount of Methamphetamine or 50 Grams or More of Methamphetamine. As a result of said arrest, on August 15, 2013, Defendant was named in a one count Indictment in the Eastern District of Texas for a violation of 21 U.S.C. § 846, Conspiracy to Possess with the Intent to Distribute and Distribution of Methamphetamine, Case No. 4:13cr209; and (2) On March 24, 2014, Defendant submitted a urine specimen that tested positive for methamphetamine. The specimen was subsequently confirmed positive by Alere Toxicology Services.

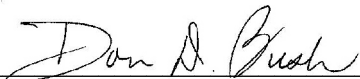
At the hearing, Defendant entered a plea of true to the allegations. Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of his supervised release.

### **RECOMMENDATION**

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the March 12, 2015 hearing, the Court recommends that Defendant be committed to the

custody of the Bureau of Prisons to be imprisoned for a term of twenty-four (24) months, with no supervised release to follow to run concurrently with any other sentence.

**SIGNED this 23rd day of March, 2015.**

  
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DON D. BUSH  
UNITED STATES MAGISTRATE JUDGE